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Dated: 4/7/05 Signature: Christa Carter
(Christa Carter)

APR 07 2005

Docket No.: 546322000303
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael W. GRAHAM et al.

Application No.: 10/646,070

Confirmation No.: 8796

Filed: August 22, 2003

Art Unit: 1635

For: CONTROL OF GENE EXPRESSION

Examiner: S.R. McGarry

RESPONSE TO OFFICE COMMUNICATION DATED MARCH 7, 2005

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Communication dated March 7, 2005, for which a response is due on April 7, 2005. As such, the filing of this resubmission of claim amendments is hereby timely filed. Please consider entering the following amendments and remarks.

RF-1906640

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01 PAGE 316 RCVD AT 4/7/2005 6:27:36 PM [Eastern Daylight Time] SVRC:USPTO-EFXRF-110 DMS:8729306 CSD:415 2687522 DURATION (mm:ss):04:28
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and examination of the process claims with the product claims imposes an undue burden on the Office.

Applicants elect Group I, 48-91, with traverse, for further prosecution in this matter. Applicants respectfully assert that it would not be an undue burden to examine the process claims with the product claims at this time. Applicants respectfully request that the claims of Group II be rejoined upon an indication of allowability of the claims of Group I.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 546322000303. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 7, 2005

Respectfully submitted,

By Michael R. Ward
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